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Managing high-risk sex offenders: messages for practice

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Key points

- The task of managing sex offenders is complex, with registered sex offenders managed through Multi-Agency Public Protection Arrangements (MAPPA) since 2007
- Policy and guidance emphasises management of risk, and the need for increased understanding of, and more guidance around, online offenders and 'sexting'
- High-risk sex offenders pose different levels of risk at different times during their offending careers
- Evidence of effectiveness is emerging in relation to risk reduction, combining use of structured risk assessment tools with strength-based and desistance approaches, underpinned by offender-supervisor relationships
- Greater understanding of offender diversity is required to inform and manage risk

Introduction

This *Insight* outlines the relevant research to support practitioners working with high-risk offenders. It will draw upon relevant literature to inform understanding of: persons who commit sexually abusive behaviours; approaches to risk assessment; and community management. The following themes will be discussed:

- 1 The legislation and policy context
- 2 Research evidence about sex offending behaviours
- 3 Assessment and intervention
- 4 Understanding barriers and facilitators to effective supervision
- 5 Challenges for the future

Legislation and policy context

In Scotland, the last twenty years has seen a plethora of legislation and social policy relating to sexual offences, for example, the Child Sex Offenders (Scotland) Act 1997, the Crime and Disorder Act 1998, and the publication of *A commitment to protect* in 1997.

This legislation underpins the Management of Offenders etc. (Scotland) Act 2005 and the

introduction of the Multi-Agency Public Protection Arrangements (MAPPA).

Since 2007, all registered sex offenders in Scotland have been subject to management through MAPPA. This is a mechanism and set of policies for inter-agency co-operation to manage high-risk offenders. It enables agencies with statutory responsibilities to come together and share information to protect the public (Wate and Boulton, 2015).

The sharing of information is facilitated through ViSOR, a national database that can be accessed by responsible authorities to ensure information is available should an offender move to another area. Public and media attention underpinned the introduction of ViSOR, influenced by publicity surrounding the abduction of Sarah Payne and Milly Dowler's murder (Bryant, Peck and Lovbakke, 2015).

In Scotland, key MAPPA agencies are: Police Scotland; local authorities; the Scottish Prison Service; and health boards. These 'responsible authorities' determine how to manage their MAPPA responsibilities. Police Scotland operational divisions have dedicated Offender Management Units.

Divisions also have responsibility for the management of registered sex offenders in the community. Local authorities usually discharge their responsibilities through social work and housing departments. The Scottish Prison Service is responsible for the management of registered sex offenders in custody, but also informs community risk management planning for offenders upon release. MAPPA authorities also work collaboratively with other professionals where appropriate.

Within MAPPA, offenders are categorised into three groups. Each group represents the level of assessed risk:

- **Level 1: ordinary agency management**
Carried out by a single agency (eg criminal justice social work). A duty to share information with other responsible authorities is required.
- **Level 2: active multi-agency management**
Offenders who are deemed to present a high or very high level of risk which requires a multi-agency response.
- **Level 3: active enhanced multi-agency**
Cases where the involvement of senior members for each responsible authority is required in the management of the offender. For example, where

considerable resources are required or public and media attention is anticipated.

MAPPA also categorises offenders as follows:

- Category 1: registered sexual offenders
- Category 2: offenders – violent offenders and other sexual offenders
- Category 3: other dangerous offenders

Further information about risk levels and the categorisation of offenders can be found in national guidance on MAPPA (Scottish Government, 2016).

Evaluation of MAPPA and future directions

MAPPA arrangements were inspected in 2015 by Her Majesty's Inspectorate of Constabulary for Scotland (HMICS) and The Care Inspectorate. While acknowledging good practice, the inspection made a series of recommendations. These included the need for:

- Additional guidance on practice standards, including risk assessment of online offenders
- Enhanced skills and equipment required to

monitor devices used by registered sex offenders

- Enhanced understanding of the risks associated with ‘sexting’, particularly in relation to children and young people

There have also been three major process evaluations of MAPPA (Kemshall and Maguire, 2001; Kemshall and colleagues, 2005; Wood and Kemshall, 2007) and an analysis of re-offending (Bryant, Peck and Lovbakke, 2015). These evidence greater consistency in the management of offenders under MAPPA and a reduction in reoffending for new offenders.

The findings from Bryant and colleagues (2015) report reductions in offending for those in Categories 1 and 2. Where reoffending does occur, it is mostly in the first year of MAPPA management. This analysis did not facilitate the impact of extraneous factors on re-offending.

Hilder and Kemshall also identified key future issues. These included:

- MAPPA responsiveness to offender and victim diversity
- The need for practitioners responsible for the assessment and management of high-risk

offenders to understand the context in which their practice takes place

- The need to consider how to effectively engage with high-risk offenders

What the research tells us about sex offending behaviours

Although research has considered the characteristics of sex offenders who commit different sex crimes, our understanding of the similarities and differences in offending behaviours lacks sophistication. The following section highlights current thinking while acknowledging the complexity of the issue and the difficulties with categorical classifications (Joyal, Beaulieu-Plante and De Chantérac, 2014).

MEDICAL MODELS

Although controversial, cognitive science and neuroscience studies have begun to demonstrate the interdependency of internal and external factors on cognitive beliefs. Studies of this kind can potentially increase our understanding and treatment of offenders. In the first study comparing older first-time sex offenders and historical older offenders, Rodriquez and colleagues (2017) found that both

groups 'show impairment across a range of executive tasks compared to an older adult non-sex offending control group'. The authors suggest that 'early neurodevelopmental anomalies could play a critical function in sexual offending' (2017, 158). Barnett and Mann's (2013) work on empathy development in offenders also offers useful insights.

SOCIOLOGICAL PERSPECTIVES

Not often is the relationship between the individual and society considered. Feminist theorists have, however, conceptualised forms of violence / oppression through the concept of patriarchy and the analysis of gender inequalities (Corrigan, 2014; Williams, Sawyer and Wahlstrom, 2012). However, feminist perspectives do not adequately explore critical dimensions of sexual violence, such as violence perpetrated by females.

Research which uses a strengths-based or desistance perspective identifies the social factors that can support an offender to desist from reoffending. McNeill and Weaver (2010) consider the connections between desistance theory, the Good Lives Model and the management of high-risk offenders. They concluded that 'a more effective balance

between restrictive measures and rehabilitative methods' is needed (2013, 444). Desistance theory demands that issues of gender, identity and culture are considered alongside issues of power and discrimination, and emphasise the importance of relationships when working with offenders.

FEMALE SEX OFFENDERS

Due to the low number of female sex offenders we know little about the characteristics of female offenders, rates of female offending or the effectiveness of risk measurement tools (Vess, 2011; Miller and Marshall, 2018). The findings of a systematic review by Colson and colleagues found that female offenders are often victims of sexual abuse and other types of family violence, and that more than half suffer from psychiatric disorders. (Colson and colleagues, 2013, 109). Miller and Marshall's (2018) study compared the behaviours of women who committed sexual offences by themselves and those who co-offend with a male. Their findings suggest that those who act alone are likely to select unrelated male victims and demonstrate higher levels of dominance and aggression.

Geraghty and Woodhams (2015) provide an overview of current knowledge about the behavioural motives

of female offenders. They conclude that female offenders should not be treated in the same way as male offenders in either approaches to treatment or assessment. It is apparent that further research is required in order to better understand the nature of female sex offending behaviours.

PUBLIC HEALTH AND COMMUNITY PROTECTION MODELS

Public health approaches to sexual offending consider that traditional criminal justice responses increase levels of fear and rejection within the offender (Laws, cited in Kemshall and Wood, 2007) and are ineffective in relation to prevention. Instead, the public health approach advocates for early stage engagement in long-term prevention programmes.

In contrast, the community protection approach considers that risk is best managed by professionals and agencies working together to manage and reduce future risk (Reeves, 2013). This approach has been adopted by MAPPA, which despite increasing levels of public representation remains primarily reliant upon expert opinion about risk (Kemshall and Wood, 2007).

Assessment and intervention

It has been acknowledged that there is insufficient research that compares the effectiveness of risk assessment tools. Furthermore, much of what is known about them is based on their predictive accuracy rather than considering if they inform risk reduction approaches (Tully, Chau and Browne, 2013). Actuarial tools are considered to provide an objective estimate about the likelihood of future harm and focus on both historical or stable factors and changeable or dynamic factors in the life of an offender. Static factors that do not change over time include: offender age; index violence; past violent offence; past sexual offence; previous offences; the presence of non-contact sexual offences; male victim; unrelated victim; and stranger victim (Stephens and colleagues, 2018, 8). Static risk assessment tools should be accompanied by an assessment of dynamic risk factors, that is, those factors that are susceptible to change over time, such as accommodation, social support and employment.

It is generally accepted that most risk assessment instruments have some validity. However, their use with people with intellectual and developmental disabilities

(IDD) is less conclusive. Lindsay and Michie (2013) analysed the findings from several studies that had tested the validity of the most common risk assessment tool – the Static 99 – on men with IDD and found no consensus regarding its predictive validity for this group of sex offender. Similarly, it is accepted that risk assessment tools have limited applicability for offenders from ethnically diverse backgrounds or female offenders (Geraghty and Woodham, 2015).

Critics of actuarial tools also suggest that they tend to focus on the negative aspects of an offender's history, unlike strength-based approaches which Scones, Willis and Grace (2012) believe can offer insight into supporting rehabilitation. In recent years, best practice appears to combine a strengths-based approach with structured risk assessment tools, using both as a starting point for a more dynamic, comprehensive and situated understanding of risk as it changes over time.

Traditionally, it has been recognised that in order to address risk, professionals must engage the offender in the process of change by encouraging their meaningful participation in supervision (Weaver and Barry, 2014). Weaver and Barry caution that while we should be moving towards a more balanced

approach to risk reduction and harm prevention, we must also recognise that sex offenders face significant social and structural barriers to their progress. The findings suggest that approaches to risk and offender management that build on the strengths of the offender and seek to enhance their social capital are beginning to emerge as purposeful ways forward. This is reinforced by findings from Kemshall and Wood's earlier study of MAPPA offenders which concluded that these offenders responded better to treatment when their personal needs were being attended to, and where there was a balance between internal and external controls in the approach to treatment (2007).

Understanding barriers and facilitators to effective supervision

The task of managing high-risk offenders is a complex and challenging area of practice. The work requires the practitioner to understand the nature of risk and how to manage it in the community. The updated MAPPA guidance (Scottish Government, 2016), outlines the processes and how agencies should work together, but it does not provide guidance about the nature of the supervisory

relationship. A study by Chamberlain and colleagues (2018) revealed some useful messages regarding the impact of the parolee and parole officer relationship on risk reduction. In summary, supportive relationships between a parolee and parole officer is based on trust, helpfulness, and professionalism

(2018, 3695). Also, the frequency of contact was seen to impact on recidivism with monthly contact viewed as a minimum requirement. Little difference was noted between face-to-face or other forms of contact. Those working with sex offenders also recognise that external barriers further complicate the task of supervision. Sex offenders are often vilified as ‘animals’ or ‘monsters’ in our community

where their legal rights as a citizen are often challenged. Spencer (2009, 220–223) argues that the sex offender is viewed as ‘a rigid, unchangeable pariah’. As a consequence of this, and despite our legal tradition of fairness and proportionality, legislation that restricts the movement of sex

offenders and excludes them from communities has become accepted as a necessity for this category of offenders. Spencer draws upon the work of Giorgio Agamben, who argued that sex offenders can be conceived of as ‘other’, or ‘homosacer’ that is, ‘the person without rights as a citizen’, and ‘outside the

protection of law’ (Spencer, 2009, 220). This view of sex offenders renders them susceptible to forms of violence at the hands of misinformed vigilante groups. This sense of the ‘other’ can also be extended to the families of sex offenders who also face stigmatisation from the public. Zevitz and Farkas (2000) found that the families of sex offenders reported feelings

of humiliation and were often ostracized and threatened by neighbours and friends.

In the context of offender management, the supervision of sex offenders is not solely about the management of individual risk, but also

Despite our legal tradition of fairness and proportionality, legislation that restricts the movement of sex offenders has become accepted as a necessity

about supporting the offender to navigate the challenges presented by community attitudes and legal responses. In the community, resources such as housing and health and social care have specific policies and practices for supporting sex offenders in the community. While consideration of the risks presented by sex offenders are of course understandable, policy that seeks to further differentiate the sex offender from other groups that may also present as 'risky', adds a further level of complexity to the supervisory relationship.

Challenges for the future

TRENDS IN ONLINE OFFENDING BEHAVIOURS

Technology provides a platform for those involved in child abuse to share their interests and profit from the abuse of children on a larger scale. Wortley and Smallbone (2010) categorised online child abuse offenders as a heterogeneous group who engage in online abuse as producers, distributors or as possessors of the images. Seigfried-Spellar (2014) suggest that although most who view indecent images of children are men, women also self-report this behaviour. The author also explored the differences between those who engage with these

images. Individuals who downloaded material tended to be under 35 years, while those who exchanged this material were over 56 years. Individuals actively engaged with online images of abuse were likely to present as more socially inhibited than those who chose to view but not download the material, which suggests a preference for anonymity.

Houtepen, Sijtsema and Bogaerts (2014) considered the risk of crossover between those convicted of offences relating to indecent images of children and those with contact offences. Their findings suggest some similarities, such as psychological difficulties, criminal behaviour and sexual deviancy, however, it appears that while the main reason for accessing indecent images of children is to satisfy a sexual interest in children, many do not go on to commit contact sexual abuse. Gillespie and colleagues (2018) reported similar findings but suggest that online child abusers are less likely to have access to children due to social isolation and greater internal or psychological barriers to offending, including enhanced victim empathy and less cognitive distortions.

As most online sexual offenders are managed in the community, Gillespie and colleagues recommend that

greater attention needs to be given to community-based interventions, and in particular programmes that address ‘the affective and interpersonal functioning’ of this group (2018, 180).

OLDER SEX OFFENDERS

A pressing issue for the future is the number of older sex offenders both in the community and in prison. Older offenders are likely to have complex health and social care needs. Eshareturi and colleagues (2014) argue that older sex offenders rely upon the intervention of their supervisors to assist them to access the resources that they need in the community. The Derwent report (2005) was the first to consider the specific needs and risks of older sex offenders and identified gaps in knowledge to understand:

- The link between age, risk, recidivism and reconviction
- The role of non-statutory agencies in this process
- The complex relationship between risk assessment, risk management and information (2005, 24).

It is suggested that these questions remain largely unanswered.

HOUSING

Sex offender homelessness is a key factor in recidivism (Socia and colleagues, 2014). Those who are released into the community without a permanent address often end up in transitional housing. Transitional housing negatively affects the offender’s opportunities for social engagement and employment and can lead to feelings of stigmatisation which can lead to increased levels of risk.

Bows and Westmarland suggest that ‘those working in older people’s services, care homes and the police should be aware that just because someone is not currently on the sex offender register does not mean they have never been on it, and should be alert to signs of abuse.’ (2018, 72). The authors also suggest further training is required for those working in care homes and housing providers to inform them about the potential for abuse and how to identify and respond to warning signs.

Implications for practice

It is evident that while actuarial tools have some use in determining the level of risk presented by sex offenders, they cannot replace informed professional judgement.

Policy and practice guidance still over-emphasise risk management, but alternative approaches such as strengths-based approaches and desistance theory are demonstrating that they can be useful by recognising that the relationship between the supervisor and the offender is central. These approaches offer opportunities for practitioners and offenders to consider how risk can be managed and not merely measured.

McCulloch and Kelly (2007) reminded us that traditional criminal justice social work approaches were based on the core values of ‘advise, assist and befriend’. While this is no longer a key feature of criminal justice social work, it still has resonance with recent studies that suggest that supportive relationships are the key to reducing reoffending. The message for practice is clear that constructive relationships and regular contact are key to offender progress.

Further creative and flexible ways of working are required to meet the challenges of the ageing sex offender population and the risks and opportunities presented by technology. Risk does not remain static and practitioners must recognise the changing nature of risk as the offender context changes and evolves.

The future landscape for practice is increasingly complex and demands more collaborative approaches to working. We can see that MAPPA has led the way in partnership working, with some evidence beginning to emerge that this way of working can reduce risk.

Conclusion

Managing high-risk offenders is an area of practice that is complex and evolving. However, the accessibility of technology and its uses to both produce indecent images of children and as a means of surveillance of sex offenders, brings both ethical and practice challenges for the practitioner. Public and media opinion is still ill-informed about the nature of the risk and the potential for high-risk offenders to be rehabilitated. A national discussion is required that will not only better inform the public, but will also enable those working with high-risk offenders, to better support their safe integration in the community.

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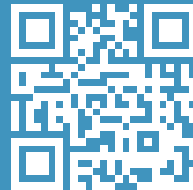


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